

Group III: claims 18-20.

The Patent Office also requires election of a single disclosed species for each of the biodermal and non-biodermal constituents.

Applicant hereby elects Group I, claims 1-16, where the at least two biodermal constituents include at least one amino acid and the at least one non-biodermal constituent, if present, includes at least one non-biodermal trace element.

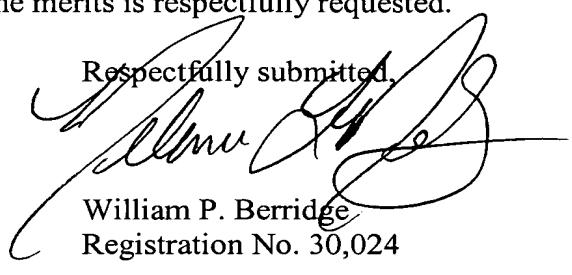
Applicant respectfully traverses the Restriction and Election of Species Requirement, particularly with regard to the required election of a non-biodermal constituent. The claimed composition only contains non-biodermal constituents in an amount of no more than two percent by weight. As indicated in the specification at page 7, lines 24-34, the non-biodermal constituents may be fragrances and minor adjuvants required for the correct maintenance of the stability and purity of the composition. Thus, the non-biodermal constituents are not necessarily important to the activity of the claimed composition. Instead, the focus of the present invention is on the inclusion of almost all, that is at least 98% by weight, biodermal constituents. Thus, by requiring Applicant to elect a non-biodermal constituent, the Patent Office is requiring an election of an element that may be of no consequence and is not even present in many embodiments of the invention. Thus, in searching the art, it is respectfully submitted that the Patent Office should be focusing on the essential aspects of the present claims, that is the inclusion of at least 98% by weight biodermal constituents, rather than focusing on whether a particular non-biodermal constituent is included in the composition. To do otherwise would inhibit Applicant's ability to obtain examination of the essential aspects of the present invention. Thus, it is respectfully submitted that the requirement that Applicant elect a single non-biodermal constituent should be withdrawn.

It is also respectfully submitted that the subject matter of all of claims 1-22 is sufficiently related that a thorough search for the subject matter Group I would encompass a

search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Early and favorable consideration on the merits is respectfully requested.

Respectfully submitted,

  
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